

FILED

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MAY 18 2022

U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES OF AMERICA,

)

Plaintiff,

)

v.

)

TERRY E. KUEHNEL,

)

Defendant.

)

4:22CR288 HEA/SPM

INDICTMENT

COUNT I

The Grand Jury charges that:

At all times pertinent to the charges in this Indictment:

1. Federal law defined the term:

- (a) "minor" to mean any person under the age of eighteen years (18 U.S.C. § 2256(a));
- (b) "sexually explicit conduct" to mean actual or simulated
 - (i) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex,
 - (ii) bestiality,
 - (iii) masturbation,
 - (iv) sadistic or masochistic abuse, or
 - (v) lascivious exhibition of the genitals or pubic area of any person

(18 U.S.C. § 2256(2)(A)); and

(c) "computer" to mean an electronic, magnetic, optical, electrochemical or other high speed data processing device performing logical, arithmetic or storage functions, including any data storage facility or communications facility directly related to or operating in conjunction with such device. (18 U.S.C. § 2256(6)).

2. The "Internet" was, and is, a computer communications network using interstate and foreign lines to transmit data streams, including data streams used to store, transfer and receive graphic files.

3. On or between about January 1, 2021, and June 6, 2021, within the Eastern District of Missouri and elsewhere,

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the Defendant herein, did use any facility and means of interstate commerce, and did knowingly attempt to persuade, induce, entice and coerce a minor, under the age of seventeen, to engage in sexual activity for which any person could be charged with a criminal offense, to wit: the Defendant, who was at least twenty-one years of age, communicated via the internet with an individual who the Defendant knew to be under the age of seventeen, and attempted to persuade, induce, entice and coerce that minor to engage in unlawful sexual activity, in violation of Missouri Revised Statutes Sections 573.023 (sexual exploitation of a minor), 573.200 (child used in a sexual performance), 573.205 (promoting sexual performance by a child), 573.040 (furnishing pornographic materials to minors), 566.064 (statutory sodomy in the second degree), 566.071 (child molestation in the 4th degree), 18 U.S.C. 1470 (transfer of obscene materials to a minor) and 18 U.S.C. 2422(a) (coercion and enticement of a minor to travel in interstate commerce to engage in unlawful sexual activity),

in violation of Title 18, United States Code, Section 2422(b).

COUNT II

The Grand Jury further charges that:

4. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.
5. On or about between January 1, 2021, and June 6, 2021, within the Eastern District of Missouri,

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the Defendant herein, did knowingly persuade, induce, entice and coerce a person under seventeen years of age to travel in interstate commerce between Wisconsin and Missouri for the purpose of engaging in sexual activity for which any person can be charged with a criminal offense, to wit acts of statutory rape and statutory sodomy,

in violation of Title 18, United States Code, Section 2422(a).

COUNT III

The Grand Jury further charges that:

6. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.
7. On or about between January 1, 2021, and June 6, 2021, within the Eastern District of Missouri,

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the defendant herein, did knowingly solicit, through the mail or using any means or facility of and in and affecting interstate and foreign commerce, by any means, including by computer, any material in a manner that reflected the belief and was intended to cause another to believe that the material solicited contains a visual depiction of a minor engaging in sexually explicit conduct, to wit the defendant communicated via the internet with a minor under the age of seventeen years and requested that she engage in acts of masturbation and video stream such acts to the defendant via the internet,

in violation of 18 United States Code Section 2252A(a)(3)(B)(ii).

FORFEITURE ALLEGATION

The Grand Jury further finds by probable cause that:

1. Pursuant to Title 18, United States Code, Sections 2428 and 2253, upon conviction of an offense in violation of Title 18, United States Code, Sections 2422 and 2252A(a)(3) as set forth in Counts I - III of the Indictment, the defendant shall forfeit to the United States of America: any visual depiction as described in Sections 2251, 2251A, 2252, 2252A or 2260 of Title 18, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Chapter 110 of Title 18; any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property.
2. If any of the property described above, as a result of any act or omission of the defendant:
 - a. cannot be located upon the exercise of due diligence;

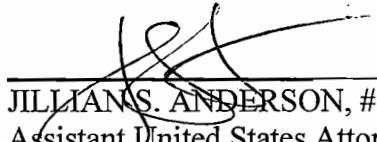
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America will be entitled to the forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

A TRUE BILL.

FOREPERSON

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